

## REMARKS

Claims 1, 3, 5, 7-15, and 36 are pending. A Final Office Action mailed December 29, 2005 rejected Claims 1, 3, 5, 8, 9, and 11-15 under 35 U.S.C. § 102 and Claims 7, 10, and 36 under 35 U.S.C. § 103. Pursuant to 37 CFR § 1.116, Applicant hereby respectfully requests reconsideration of the application.

### REJECTION OF CLAIMS UNDER 35 U.S.C. § 102

The Final Office Action rejected Claims 1, 3, 5, 8, 9, and 11-15 as being anticipated by Lanning. The Final Office Action states that Lanning inherently includes a sink and that each lavatory, which is considered to constitute a stall unit for the purpose of this action, is outfitted with a sink and commode. Applicant respectfully traverses this rejection. The Final Office Action states that each lavatory is outfitted with a sink and commode. Therefore, with respect to Claim 1, because the stall unit of the lavatory 18 of Lanning includes both a sink and a commode, Applicant submits that Lanning fails to teach or suggest that there is a sink that is located on an exterior side of a wall of a stall unit and that that sink is connected to stall unit plumbing components that is also connected to a commode that is located internal to the stall unit and to other aircraft plumbing components. Lanning only shows a sink and commode located within a single stall unit and that the only other sinks or commodes are located in other stall units that do not share the same wall. Therefore, Applicant submits that Amended Claim 1 is allowable over the cited reference.

Applicant submits that Claim 3 is allowable for depending upon Claim 1 and is allowable for the following additional reason. Applicant submits that Claims 5, 13, and 14 are also allowable for the following reason.

The Office Action stated that Lanning does not specifically disclose a urinal. The Office Action deemed a sink in Lanning to constitute a urinal and stated that although not specifically disclosed as such, the fixture could serve that purpose. "Inherency may not be established by


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probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.” *In re Robertson*, 169 F.3d 743, 745 (Fed Cir. 1999), citing *Continental Can Co. v. Monsanto Co.*, 948 F.2d 1264, 1269, (Fed. Cir. 1991). (quoting *In re Oelrich*, 666 F.2d 578, 581, 212 U.S.P.Q. 323, 326 (C.C.P.A. 1981). Also, an “odd use” is insufficient to establish inherency. *Id.*, at 745. Applicant submits that use of the sink in Lanning to dispose of urine is a mere probability or possibility and, if performed, would constitute only an odd use of the sink. Applicant submits that Lanning does not expressly or inherently disclose a urinal for the reasons stated above. Applicant submits that Claims 3, 5, 13, and 14 are allowable for this reason.

REJECTION OF CLAIMS 7, 10, AND 36 UNDER 35 U.S.C. § 103

The Office Action rejected Claims 7, 10, and 36 as being unpatentable over Lanning. The Office Action states that use of at least two sinks in each of the lavatories of Lanning would have been obvious to one skilled in the art wishing to permit two occupants to simultaneously wash or obtain water. Applicant submits that because Claims 7 and 10 depend from allowable independent Claim 5, they are allowable for the same reasons that make Claim 5 allowable.

With regard to Claim 36, the Office Action states that use of a 2-color lighted panel adjacent to the door of each lavatory also would have been obvious to one skilled in the art wishing to indicate the occupancy status of the lavatory. Applicant respectfully traverses this rejection.

“The PTO bears the burden of establishing a case of prima facie obviousness.” *In re Bell*, 991 F. 2d 781, 783 (Fed. Cir. 1993). To establish a prima facie case of obviousness, there must be some suggestion or motivation to modify the reference or combine reference teachings, there must be a reasonable expectation of success, and the prior art reference or references must teach or suggest all the claim limitations. MPEP §2143. With regard to Claim 36, Applicant submits that Lanning fails to teach or suggest a 2-color lighted panel adjacent to a locking dial included as a part of a locking switch within a door.

## CONCLUSION

Applicant respectfully submits that all of the claims of the pending application are now in condition for allowance over the cited references. Accordingly, Applicant respectfully requests withdrawal of the rejections, allowance, and early passage through issuance. If the Examiner has any questions, the Examiner is invited to contact the Applicant's agent listed below.

Respectfully submitted,

BLACK LOWE & GRAHAM<sup>PLLC</sup>



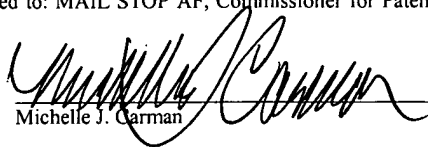
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## MAIL CERTIFICATE

I hereby certify that this communication is being deposited with the United States Postal Service via first class mail under 37 C.F.R. § 1.08 on the date indicated below addressed to: MAIL STOP AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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